

§56.54 Alcoholic Beverage Consumption Prohibited in Certain Areas

- (a) Definitions. For purposes of sections 56.54, 56.55, and 56.56, the following terms are defined as follows:

“*Alcoholic beverage*” has the same meaning as that set forth in California Business and Professions Code section 23004.

“*Beach*” means the sand or land area bordering the water of an ocean or bay.

“*Public park*” means any property designated, dedicated or developed for park or open space use.

“*Seawall*” means any wall between the beach and the boardwalk.

“*Sidewalk cafe*” has the same meaning as that set forth in San Diego Municipal Code section 141.0621.

- (b) Unless the City Manager or designee has issued a special event permit, or unless otherwise permitted by section 56.54, it is unlawful for any person to consume any *alcoholic beverage* at any time, upon any public property, not including *public parks* and *beaches* except as specifically listed in Appendix 56.54A, and public rights-of-way, including but not limited to public streets, parking lots, sidewalks, alleys, plazas, piers, including on or against *seawalls*, and including all sidewalks along the outer perimeters of such areas.
- (c) 12 Hour Ban
It is unlawful to consume alcohol in the areas listed in Appendix 56.54B between 8:00 p.m. and 8:00 a.m., unless the City Manager or designee has issued a special event permit or unless otherwise permitted by Section 56.54.
- (d) 16 Hour Ban
It is unlawful to consume alcohol in the areas listed in Appendix 56.54C between 8:00 p.m. and Noon, unless the City Manager or designee has issued a special event permit or unless otherwise permitted by Section 56.54.
- (e) Section 56.54 does not prohibit:
- (1) any person from consuming *alcoholic beverages* within the defined boundaries of a *sidewalk cafe* located on the public right-of-way, or on property leased from the City.
 - (2) any business from lawfully selling or dispensing *alcoholic beverages* in accordance with the requirements of local and state law.

(Amended 9-8-1998 by O-18582 N.S.)

(Amended 6-21-2004 by O-19290.N.S.)

APPENDIX 56.54A
24 HOUR BAN

Adams Community Park
Adams Elementary School/Park
Alcott Elementary School/Park
Allen, Dennis V., Neighborhood Park
Azalea Community Park
Balboa Park areas not included in Section 56.54(c) [Appendix 56.54B]
Bay Terraces Neighborhood Park
Bay Terraces Junior High School/Park
Berry Neighborhood Park
Birdland Neighborhood Park (Fletcher Elementary School/Park)
Bird Rock Elementary School/Park
Birney Elementary School/Park
Black Mountain Middle School/Park
Boone Neighborhood Park
Cabrillo Elementary School/Park
Cabrillo Mini-Park
Cabrillo Recreation Center
Cadman Community Park
Cadman Elementary School/Park
Cedar Ridge Mini-Park
Central Mini-Park
Chicano Neighborhood Park
Children's Park & Pond
Chollas Canyon Park
Chollas Lake Community Park
City Heights Community Park
City Heights Mini-Park
Clay Elementary School/Park
Clay Mini-Park
Clay Neighborhood Park
Cliffridge Athletic Area
Colina del Sol Community Park
Crown Point Elementary School/Park
Dailard Elementary School/Park
Dana Center
Decatur Elementary School/Park
Doyle Elementary School/Park
East San Diego Adult Recreation Club
Edison Elementary School/Park
Emerald Hills Neighborhood Park
Encanto Community Park

Ericson Elementary School/Park
Fanuel Street Park
Field Elementary School/Park
Forward Elementary School/Park
Franklin Elementary School/Park
Gaslamp Square Park
Golden Hill Community Park
Gompers Neighborhood Park
Grant Elementary School/Park
Grant Hill Neighborhood Park
Hardy Elementary School/Park
Henderson, Willie, Athletic Area
Hollywood Neighborhood Park
Hoover Senior High School/Park
Horton Plaza Park
Hourglass Community Park
Howard Lane Neighborhood Park
“J” Street Mini- Park
Jerabek Elementary School/Park
Juarez Elementary School/Park
Keiller Neighborhood Park
Kellogg Park, including the boardwalk, seawall and La Jolla Shores Beach
Kelly Neighborhood Park
Kennedy, John F., Elementary School/Park Kennedy Neighborhood Park
Kensington Neighborhood Park
King, Martin Luther Community Park
King, Martin Luther, Elementary School/Park “L” Street Mini-Park (at 28th Street)
La Jolla Athletic Area (Allen Field)
La Jolla Community Park
La Jolla Elementary School/Park
La Jolla Senior High School/Park
La Paz Mini- Park (undeveloped)
Laurel Street Mini-Park
Lewis Middle School/Park
Linda Vista Community Park
Lindberg Neighborhood Park; Community Park
Lomita Neighborhood Park
Macdowell Neighborhood Park
Mann Middle School/Park
Marian Bear Memorial Park
Marine Street Beach, including the *beach*, bluffs, stairs, and adjacent public rights-of-way between the northern property line of 274 Coast Boulevard and the westerly extension of the northern side of Westbourne Street;

Marston Middle School/Park
Mason Elementary School/Park
Mata Mini- Park
Memorial Community Park
Mid-City Athletic Area
Mira Mesa Senior High School/Park
Mission Beach Park, including the Belmont Park public areas and parking lots, including the boardwalk and *seawall*, and excluding the *beach*, as described in Section 56.54(d) [Appendix 56.54C]
Mission Heights Neighborhood Park
Mission Trails Regional Park
Montclair Neighborhood Park
Montgomery-Waller Community Park
Mount Etna Neighborhood Park
Mountain View Community Park
Nestor Neighborhood Park
North Clairemont Community Park
North Mountain View Mini-Park
North Park Community Park
Oak Neighborhood Park
Ocean Beach Elementary School/Park
Ocean Beach Park, including the boardwalk and *seawall*, and excluding the *beach*; as described in Section 56.54(d) [Appendix 56.54C];
Ocean Boulevard Park (Pacific Beach Park), including the boardwalk and *seawall*, and excluding the *beach*, as described in Section 56.54(d) [Appendix 56.54C]
Old Trolley Barn Neighborhood Park
Pacific Beach Community Park
Pacific Beach Middle School/Park
Bob McEvoy Youth Fields (Mission Bay/Pacific Beach Youth Field)
Palisades Park North (undeveloped)
Palisades Park South (Law Street)
Palm Ridge Neighborhood Park
Pantoja Mini-Park
Paradise Hills Community Park
Park de la Cruz
Parkside Neighborhood Park
Penn Elementary School/Park (Athletic Area) Plumosa Neighborhood Park
Point Loma Community Park
Portola Middle School/Park
Presidio Community Park
Rolando Mini-Park
Rose Canyon Park
San Diego School of Creative and Performing Arts
Santa Clara Point

Santa Isabel Mini-Park
San Ysidro Athletic Area (Larsen Field)
San Ysidro Col. Irving Solomon Center
San Ysidro Community Park
Serra Senior High School/Park
Sherman Elementary School/Park
Sherman Mini-Park
Silverwing Neighborhood Park
Skyline Community Park
Skyview Neighborhood Park
South Bay Community Park
(South) Clairemont Community Park
South Mission Beach Park, including the boardwalk and *seawall*, and excluding the *beach*, as described in Section 56.54(d) [Appendix 56.54C]
Southcrest Community Park
Spreckels Elementary School/Park
Standley Junior High School/Park
Sunny Slope Neighborhood Park
Taylor Library Park
Tecolote Canyon Natural Park
Tierrasanta Elementary School/Park
Union Place Circle Park
Valencia Elementary School/Park
Villa del Norte Mini-Park
Vista Terrace Neighborhood Park
Wabash Mini-Park
Wagenheim Middle School/Park
Walker Elementary School/Park
Washington Elementary School/Park
Western Hills Neighborhood Park
Widman, Marie, Memorial Neighborhood Park (Little Encanto Park)
Wilson Middle School/Park
30th Street Mini-Park
32nd Street Mini-Park (north of Redwood) 39th Street Mini-Park
41st Street Mini-Park
All parking lots in Mission Bay Park;

All parking lots on the Pacific Ocean between the southern boundary of Sunset Cliffs Park and the southern boundary of Torrey Pines State Park;

The Peninsula of land known as “The Clam” including all areas west of Coast Walk and the La Jolla sea caves, and north of the public parking lots adjacent to 1325 Coast Boulevard which are accessible to pedestrians.

APPENDIX 56.54B
12 HOUR BAN – 8:00 P.M. – 8:00 A.M.

That portion of Balboa Park bounded by Upas Street on the north, Highway 163 on the west, Interstate 5 on the south, and Park Boulevard on the east;

Cabrillo Heights Neighborhood Park
Carmel Creek Neighborhood Park
Carmel Del Mar Neighborhood Park
Cleator, Bill, Neighborhood Park
Collier Neighborhood Park
East Clairemont Athletic Area
Famosa Slough and Channel
Gershwin Neighborhood Park
Lake Murray Community Park
Montezuma Neighborhood Park
Mount Acadia Neighborhood Park
Murray Ridge Neighborhood Park
Ocean Beach Community Park
Olive Grove Community Park
Pioneer Park (Mission Hills)
Presidio Park
Rancho Bernardo Community Park
San Carlos Community Park
Serra Mesa Community Park
Sessions, Kate, Neighborhood Park
Solana Highland Neighborhood Park; Tecolote Community Park

APPENDIX 56.54C
16 HOUR BAN – 8:00 P.M. – NOON

All *beaches* on the Pacific Ocean and adjacent parks and perimeter sidewalks between the southern boundary of Sunset Cliffs Park and the southern boundary of Torrey Pines State Park that are not included in section 56.54(b) [Attachment A]; and

All land areas of Mission Bay Park, including Bayside Walk, Ocean Beach Athletic Area (Robb Field) and Dusty Rhodes Park, but excluding parking lots, Santa Clara Point, Bob McEvoy Youth Fields (Mission Bay/Pacific Beach Youth Fields), and Fanuel Street Park.

All land areas of Mission Bay Park, including Bayside Walk, Ocean Beach Athletic Area (Robb Field) and Dusty Rhodes Park, but excluding parking lots, Santa Clara Point, Bob McEvoy Youth Fields (Mission Bay/Pacific Beach Youth Fields), and Fanuel Street Park.

§56.55 Urinating/Defecating in Public Prohibited

No person shall urinate or defecate in or upon any street, sidewalk, alley, plaza, park, *beach*, public building or publicly maintained facility, or in any place open to the public or exposed to public view. This section shall not apply to urination or defecation which is done in any restroom or other facility designed for the sanitary disposal of human waste.

(Incorp. 1-22-1952 by O-5046 N.S.)

(Amended 6-21-2004 by O-19290.N.S.)

§56.56 Open Alcoholic Beverage Containers Prohibited on Posted Premises

- (a) Any person who has in his or her possession any bottle, can or other receptacle containing any *alcoholic beverage* which has been opened, or a seal broken, or the contents of which have been partially removed, and who enters, is on, or remains on the posted premises of, any retail package off-sale *alcoholic beverage* licensee licensed pursuant to Division 9 of the Business and Professions Code, or on any public sidewalk immediately adjacent to the licensed premises is guilty of an infraction.
- (b) All retail package off-sale *alcoholic beverage* licensees licensed pursuant to Division 9 of the Business and Professions Code to operate in the City of San Diego shall post such licensed premises with notices clearly visible to patrons of the licensee and parking lot and to persons on the public sidewalk that the provisions of subdivision (a) are applicable. Such notices shall include language that states that possession of any opened *alcoholic beverage* container is prohibited by law. Any licensee who does not so post the licensed premises is guilty of an infraction.
- (c) As used in this section “posted premises” means those premises which are subject to licensure under any retail off-sale *alcoholic beverage* license, the parking lot immediately adjacent to the licensed premises and any public sidewalk immediately adjacent to the licensed premises which are posted with notices pursuant to subdivision (b).
- (d) As used in this section “parking lot immediately adjacent to the licensed premises” means any parking lot except those described in subdivision (e)

which is contiguous to the licensed premises and any parking lot under the control of or operated in conjunction with the licensed premises.
- (e) The provisions of this section do not apply to any private residential parking lot immediately adjacent to the posted premises.

- (f) The subsections of this section are severable. The invalidity of a subsection shall not affect the validity of the remaining subsections.

(“Open Alcoholic Beverage Containers Prohibited on Posted Premises” added 9–26–1983 by O–16046 N.S.)
(Amended 6-21-2004 by O-19290 N.S.)

§56.60 Definitions

Defined words appear in italics in Sections 56.60, 56.61, 56.62 and 56.63. The words and phrases used in Sections 56.60, 56.61, 56.62, 56.63, and 56.64 have the meanings set forth in this Section.

“Alcohol” means ethyl alcohol, hydrated oxide of ethyl, or spirits of wine, from whatever source or by whatever process produced.

“Alcoholic beverage” has the same meaning as used in Section 56.54.

“Enforcement Services” includes the salaries and benefits of police officers or other code enforcement personnel for the amount of time actually spent in responding to, or in remaining at, the party, gathering, or event and the administrative costs attributable to the incident; the actual cost of any medical treatment to injured police officers or other code enforcement personnel; the cost of repairing any damaged City equipment or property; and, the cost arising from the use of any damaged City equipment in responding to or remaining at the party, gathering, or event.

“Guardian” has the same meaning as used in Section 58.01.01.

“Minor” means any person under twenty-one years of age.

“Parent” has the same meaning as used in Section 58.01.01.

“Party, gathering, or event” means a group of persons who have assembled or are assembling for a social occasion or social activity.
(“Definitions” added 5-6-2003 by O-19172 N.S.)

§56.61 Consumption of Alcohol by Minor Prohibited in Public Place, Place Open to Public, or Place Not Open to Public

Except as permitted by state law, it is unlawful for any *minor* to:

- (a) consume at any *public place* or any place open to the public any *alcoholic beverage*; or

- (b) consume at any place not open to the public any *alcoholic beverage*, unless in connection with the consumption of the alcoholic beverage that minor is being supervised by his or her *parent* or *legal guardian*.

(“Consumption of Alcohol by Minor Prohibited in Public Place, Place Open to Public, or Place Not Open to Public” added 5-6-2003 by O-19172 N.S.)

§56.62 Hosting, Allowing a Party, Gathering, or Event Where Minors Consuming Alcoholic Beverages Prohibited

- (a) Except as permitted by Article 1, Section 4, of the California Constitution, it is unlawful for any person to allow or host a *party, gathering, or event* at his or her place of residence or other private property, place, or premises under his or her control where three or more minors are present and alcoholic beverages are being consumed by any minor.
- (b) This section does not apply to conduct involving the use of *alcoholic beverages* which occurs exclusively between a minor child and his or her *parent* or *legal guardian*.
- (c) This section does not apply to any location or place regulated by the California Department of Alcoholic Beverage Control.

(“Hosting, Allowing a Party, Gathering, or Event Where Minors Consuming Alcoholic Beverages Prohibited” added 5-6-2003 by O-19172 N.S.)

§56.63 Reservation of Legal Options

The City of San Diego does not waive its right to seek reimbursement for actual costs of *enforcement services* associated with the enforcement of Sections 56.61 and 56.62 through other legal remedies or procedures. The procedure provided for in sections 56.61 and 56.62 is in addition to any other statute, ordinance, or law. Sections 56.61 and 56.62 in no way limit the authority of peace officers or private citizens to make arrests for any criminal offense arising out of conduct regulated by sections 56.61 and 56.62, nor do they limit in any way the prosecution’s ability to initiate and prosecute a criminal prosecution for any violation of a criminal offense arising out of the same circumstances necessitating the application of sections 56.61 and 56.62.

(“Reservation of Legal Options” added 5-6-2003 by O-19172 N.S.)

§56.70 Definitions

Defined words appear in italics in Sections 56.70, 56.71, 56.72. The words and phrases used in Sections 56.70, 56.71, 56.72 have the meanings set forth in Section 56.70.

“Alcoholic beverage” has the same meaning as used in Section 56.54.

“*Commercial special event*” has the same meaning as used in Section 22.4003.

“*Enforcement Services*” means the salaries and benefits of police officers or other code enforcement personnel for the amount of time actually spent in responding to, or in remaining at, the party, gathering, or event and the administrative costs attributable to the incident; the actual cost of any medical treatment to injured police officers or other code enforcement personnel; the cost of repairing any damaged City equipment or property; and, the cost arising from the use of any damaged City equipment in responding to or remaining at the party, gathering, or event.

“*Fourth of July*” means the 24-hour period encompassing the Fourth of July beginning at 12:00 am and ending at 11:59 pm.

“*Keg*” means any container made of any material, including but not limited to metal, plastic, or wood, capable of holding three gallons or more of an alcoholic beverage.

“*Special event*” has the same meaning as used in Section 22.4003.

“*Special event permit*” has the same meaning as used in Section 22.4003.

“*Weekend*” means a three day period consisting of Friday, Saturday, and Sunday. (“*Definitions*” added 6-3-2003 by O-19182 N.S.)

§56.71 Kegs at Designated Areas Prohibited

- (a) It is unlawful for any person to possess any *keg* containing any *alcoholic beverage* that has been opened, or a seal broken, or the contents of which have been partially removed at any *designated public area* on the *Fourth of July*.
- (b) For the purposes of Section 56.71(a), a *designated public area* includes the following areas:
 - (1) All beaches on the Pacific Ocean and adjacent parts and perimeter sidewalks between the southern boundary of Sunset Cliffs Park and the Southern Boundary of Torrey Pines Park; and
 - (2) All land areas of Mission Bay Park, including Fanuel Street Park, Sail Bay, Crown Point, Bayside Walk, Ocean Beach Athletic Area (Robb Field), Dusty Rhodes Park, including parking lots, Santa Clara Point, and Bob McEvoy Youth Fields (Mission Bay Youth Fields).

- (c) A violation of Section 56.71(a) shall be punishable as an infraction.
- (d) Each *keg* possessed shall constitute a separate and punishable violation of Section 56.71(a).
- (e) Section 56.71(a) does not apply to a *special event* or *commercial special event* for which a *special event permit* has been issued pursuant to Section 22.4004.
(“*Kegs at Designated Areas Prohibited*” added 6-3-2003 by O-19182 N.S.)

§ 56.72 Reservation of Legal Options

The City of San Diego does not waive its right to seek reimbursement for actual costs of *enforcement services* associated with the enforcement of Sections 56.70, 56.71, 56.72 through other legal remedies or procedures. The procedure provided for in Sections 56.70, 56.71 and 56.72 is in addition to any other statute, ordinance, or law. Sections 56.70, 56.71 and 56.72 in no way limit the authority of peace officers or private citizens to make arrests for any criminal offense arising out of conduct regulated by Sections 56.70, 56.71, and 56.72, nor do they limit in any way the prosecution’s ability to initiate and prosecute a criminal prosecution for any violation of a criminal offense arising out of the same circumstances necessitating the application of Sections 56.70, 56.71, 56.72.
(“*Reservation of Legal Options*” added 6-3-2003 by O-19182 N.S.)